

**REMARKS****Summary of the Office Action**

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson (U.S. Patent No. 5,440,756) (hereinafter "Larson") in view of Aoki et al. (U.S. Patent No. 5,763,802) (hereinafter "Aoki").

**Summary of the Response to the Office Action**

Applicant has amended claims 1, 2 and 5-10, and added new claims 11-13, to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Claims 3-4 have been canceled without prejudice or disclaimer. Accordingly, claims 1, 2 and 5-13 remain pending for consideration.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 1, 2 and 5-10 in accordance with the Examiner's comments in the Office Action. Applicant respectfully submit that the claims as amended fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejection under 35 U.S.C. § 103(a)**

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson in view of Aoki. Claims 3-4 have been canceled without prejudice or disclaimer, rendering the

rejections of these claims moot. Withdrawal of the rejections of claims 3-4 is respectfully requested. Applicant has amended claims 1, 2 and 5-10 to differently describe embodiments of the disclosure of the instant application's specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicant respectfully submits that Larson discloses an apparatus for extracting music chords from an input audio signal. As shown in Fig. 1 of Larson, the apparatus includes octave filters 14a-14d in which the audio signal is divided into four separate signals, each of which carries the frequencies belonging to a particular octave range. Further, the apparatus in Larson includes a single-note filter 22 and note volumes 24 in a personal computer. The signal-note filter 22 detects signal components of twelve frequency bands corresponding to different notes respectively, by digitally filtering the four separate signals. The note volumes 24 compares the signal components with a library of characteristic sets of note volumes to determine chords.

However, Applicant respectfully submits that the apparatus of Larson is not an apparatus that detects a structure including repeating parts of a music piece. Therefore, Larson does not teach, or even suggest, the features described in the instant application's independent claim 1 with regard to the partial music data producing device, the comparator, the chord position detector, and the output device.

Applicant respectfully submits that Aoki discloses a chord analysis apparatus for dividing performance information data of a desired musical tune into sections of a predetermined number of beats, and detecting a chord in each of the divided sections. However, Applicant respectfully submits that in Aoki each of the divided sections is a part of the performance information data of

a desired musical tune, which includes melody sound data other than chords. Further, there is a case in which the number of chords included in each of the divided sections is one. Each of the partial music data pieces described in the instant application's independent claim 1, which is a chord train, always includes a plurality of chords. Therefore, the divided sections of Aoki do not correspond to the partial music data pieces.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither Larson nor Aoki, whether taken singly or combined, teach or suggest each feature of independent claims 1, 9 and 10, as amended. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from claim 1 and the reasons set forth above.

### **CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

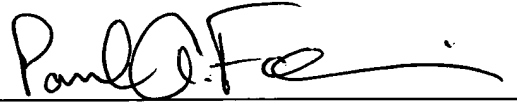
This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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